

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILADELPHIA INDEMNITY
INSURANCE COMPANY, as Reinsurer of
ULLICO CASUALTY COMPANY,

Plaintiff,

v

Case Number 2:12-cv-12527
Honorable Patrick J. Duggan

ABC PAVING COMPANY, INC.,
THOMAS G. MORRISON,
DONNA MORRISON, and MICHIGAN
ROAD MAINTENANCE COMPANY, LLC,

Defendants.

ORDER DENYING PLAINTIFF’S REQUEST TO LIFT STAY

On March 18, 2013, this Court entered a stipulated order staying these proceedings. (ECF No. 50.) As the Court indicated in that order, the matter was “stayed as a result of a Rehabilitation and Injunction Order entered March 11, 2012 by the Court of Chancery of the State of Delaware in the case entitled **State of Delaware ex rel v. Ullico Casualty Company, Case Number 8392-VCG** (“the Order”).” (Id. at 2.) Presently before the Court is Plaintiff’s April 3, 2014 request to lift the stay. (ECF No. 51.) Defendants have filed objections to Plaintiff’s request. (ECF Nos. 52, 53.)

In its submission, Plaintiff indicates that it has received permission to prosecute this lawsuit and attaches a letter agreement between Ullico Casualty Company in Liquidation and Philadelphia Indemnity Company. (ECF No. 51 ¶ 3, Ex. 1.) Defendants argue in their objections, however, that this agreement does not satisfy the conditions required to lift the stay.

In fact, the order staying these proceedings provides that Plaintiff may seek to lift the stay “[u]pon either the Insurance Commissioner for the State of Delaware providing permission for Plaintiff to proceed with this matter or a revision *of the Order* entitling Plaintiff to prosecute this claim[.]” (ECF No. 50 at 2, emphasis added.) Plaintiff does not indicate that either condition has occurred.

Accordingly, Plaintiff’s request to lift the stay is **DENIED**.

SO ORDERED.

Dated: April 17, 2014

s/Patrick J. Duggan
United States District Judge

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